

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
August 11, 2015
Council Chambers – Rouss City Hall**

DRAFT

PRESENT: Councilor Evan Clark, John Hill, Kevin McKannan, Corey Sullivan and William Wiley; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (9)

ABSENT: None (0)

2.0 Public Comments: (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone)

John Copenhaver of 136 Dalton Place stated a continuing theme of those who support keeping the battle flag on the seal is that removing it would be erasing history. It is the symbol of the official government seal that would be removed, the history can't be removed. Winchester has many ways to preserve and remember its history. There is the Old Courthouse Civil War Museum, Winchester is surrounded by Civil War Battlefields and there are massive Civil War reenactments. He doesn't think it is likely for Winchester to forget its history. The other theme here is the slippery slope argument that removing it will erase all vestiges of our Southern heritage. As Alvin Walker stated moments ago, this is not about removing statues or changing street names, it is about removing a symbol on a government seal. He stated the slippery slope idea just simply does not hold. At the last Council meeting, he noted what happened at Washington & Lee University a little over a year ago. At that time, a group of black law students made some demands and the University removed the Confederate Battle Flag from Lee Chapel. The University did not agree to all of their demands but it did recognize the presence of the flag in the public campus space was offensive to many students regardless of race and divisive to the campus community. They did not remove the incumbent Lee who remained in the chapel. They kept the Civil War Museum underneath the chapel and the Civil War Flags in the museum. The museum flags are on display on a rotating basis in the American Civil War Museum in Richmond. They did all of those things to keep and honor its past by responding to the legitimate needs and concerns of the black law students. Not just the black law students but students of all races who found the flags offensive. He stated he believes Winchester too can preserve and honor its history and make Winchester welcoming to all people but it can't do that without changing the seal.

Todd Kern of 420 East Parkinsmill Road stated it is not about erasing history. It is about honoring the sons of Virginia. It is about remembering the sacrifice that they made when their state called. Ninety percent of this area did not own slaves. In the national news, people are removing statues in Rockville and digging up graves in Memphis. He asked where it ends. A compromise in 2000 took the

Confederate Flag in Charleston off the state capital and put it on a memorial to the dead of South Carolina. That was a compromise. He asked if compromises that were worked out before will be taken back every few years. He asked why someone would go to Washington and Lee University, a school in the Deep South that is named for slave owners and a Civil War General, if they did not go there to cause problems and have an agenda. He stated it was a minority of students not a majority of the students. The fact that anyone can yell racism over anything makes people scared to stand up against them. He thinks that is a shame. He stated the flag and seal represent the people of Winchester. Black and white, good or bad, it doesn't matter. It gives people something to talk about, history. The family struggles through Jim Crow or slavery. His ancestors from Scotland and Germany who struggled to grow up here and carve a home in the frontier and then go to war because the state called. Not because they owned slaves or created any Jim Crow laws. He appreciates the sacrifices of all people and what they did to get through to this point in history. He stated all of the stories are relevant. All of the stories are worthwhile. All of the stories should be equally told to share their part in history. To say one has to come down because it is bad and deny that culture is as bad as what has been said it does. It is prejudicial. Everyone should get to tell a story here not just the approved version the government says is okay.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 7:53 p.m.

3.0 Items for Discussion:

3.1 R-2015-29: Resolution to Authorize the Extension of the Governor's Development Opportunity Fund ("GOF") Performance Agreement Between the City of Winchester, Virginia, Rubbermaid Commercial Products LLC, and the Economic Development Authority of the City of Winchester to June 30, 2016

Economic Redevelopment Director Kimberly Murray presented the request of Rubbermaid Commercial Products LLC to extend the Governor's Development Opportunity Fund to June 30, 2016. She stated the current agreement expired June 30, 2015. As of that date, Rubbermaid agreed to make a capital investment of \$58,251,104 and to create and maintain 71 new jobs paying an average salary of \$73,732. Rubbermaid has exceeded the capital investment amount for a total of \$65,690,000 but have not met the minimum required jobs of 15 jobs. Rubbermaid is asking for another year extension to meet that minimum requirement. She stated the City has allocated a \$700,000 Locality Grant and to date has paid out \$300,000. If the extension is granted, Rubbermaid will have one year to reach the minimum number of jobs. If the requirement is not met, Rubbermaid is required to pay back the funds from the State as well as from the City. If Rubbermaid is able to reach the 71 jobs, they are allowed to keep all of the funds that were given to them from the State as a result of this investment.

Dale Matschullat, Government Affairs Council for Rubbermaid, stated the Winchester plant is a very important part of the foundation of Rubbermaid Commercial Products. This plant supplies Rubbermaid Commercial Products such as cleaning and other products to industries like hotels, stadiums, airports, etc. In 1999, the Newell and Rubbermaid companies came together with very significant and optimistic predictions on how the merger would work. However, through the year 2000, it became clear it was not working up to the expectations of the investors. Rubbermaid's financial performance for 2000 was well below the forecast expectations. The board decided without a complete restructure of the company, the company could not prosper. The billion dollar restructuring transformed the company into a globally competitive organization. The board identified the plants in the United States that were competitive in their product line, efficiencies and costs and should be used and invested in to grow. They determined that the Winchester Rubbermaid Commercial Products plant was one of those opportunities. Prior to this, this plant focused on supplying the United States and it needed to become a globally competitive plant. The performance agreement signed with the Commonwealth of Virginia had a couple of things that were misrepresented. The letter stated there were 1,027 full time employees in the plant at the end of 2011. Ninety of those employees, although associated with the plant, were salespeople located all over the country and world but not in Virginia. Out of the other employees, 131 were full time but temporary employees and should not have been included in the baseline. The true baseline was 798 full time, permanent employees at the end of 2011. The agreement asked there be 71 new positions created by June 30, 2015, that \$67,000,000 be invested into the organization with much of it going to the city. At the time, a decision was made that the average salary would be \$71,000 well above the average manufacturing salary. The reason for this was the senior management for the plant was located in Winchester and there was no plan to move them at the time. Since then the restructuring process continued in a faster pace. It was also determined to take the senior management and move them to a management center and allow the plants to focus on being plants and supplying the merchandise. As a result, this plant has prospered as a center of manufacturing excellence. The company has invested \$90,000,000 in both the city and county and \$67,000,000 in the city alone. The company has created assets to add to the tax base of the city and has paid \$4.3 million in personal property taxes during this time and nearly \$700,000 in real property taxes. Rubbermaid has substantially increased the manufacturing capacity and ability of this plant. A product line has been brought in from Pennsylvania, added in new technological capabilities in metal and brought in a substantial number of machine tools into the organization. Rubbermaid is proud of the investment made into the Winchester plant and the partnership they envisioned and think is viable and is going to be successful.

Zach Lowery, Director of Operations, stated as they continue to grow in Winchester, it has been quite a struggle to get labor in this market as the regional economic base continues to grow too. They have been aggressive in trying to acquire that but currently have 51 open positions in the facility that

they struggle to fill. The technical positions are very difficult and challenging to find in the region. They have typically used a temporary agency to bring in employees and then they go permanent to hire to see if they are a good fit to the company. With more competition, they have changed their strategy and now go hire to permanent which has started getting traction. At the end of June, there were at 789 fulltime employees. Now there are 793 with 40 open positions of the 51 still to fill. Since going directly to hire, they are starting to see the momentum and feel confident that they can sustain the growth they have. The continued investment and the benefit they receive allows them to put more money into tools and more money into assets and new product development that is needed for continued growth. The commercial products facility in Winchester is a significant portion of Rubbermaid's overall sales. The facility alone supplies 60% of what Rubbermaid supplies globally in commercial products and 80% of what is shipped to the globe comes out of this facility. This facility is critical, so they keep trying unique ways to get labor to support that growth. From the meetings he has had with City staff, they have been able to learn a lot more of what is available to them as far as resources to solve some of the problems that impact other businesses as well.

Mr. Matschullat stated the forecast for this year is for the Winchester plant to ship a billion dollars worth of product globally. That is almost 20% of all of the products shipped out of the whole organization so this is a very important plant to Rubbermaid. He offered to answer any questions and asked Council to approve the extension.

Councilor McKannan stated a couple of numbers were mentioned including \$4.3 million in personal property taxes and asked about the time frame. Mr. Malschullat stated it was as of the end of 2014. Councilor McKannan asked what the figure was prior to the investment. Mr. Malschullat stated he did not have that figure. He knows the personal property has increased yearly because of the number of machines and tools that have been purchased recently but he does not have that number.

Councilor McKannan stated another number was mentioned and asked what that was. Mr. Malschullat stated it was almost \$700,000 for the real property taxes.

Councilor McKannan asked what it would mean not to get the extension. Mr. Malschullat stated it would send a terrible message to the community of a partnership being abandoned or at least separated when they see the future of the city and the future of the organization locked together in terms of the growth they predict. It would also send a bad message to Newell Rubbermaid and the employees that the City does not think this is a worthy partnership. The employees are excited about the future of this company and it would taint all of it.

Councilor McKannan asked how likely it will be to hit the benchmarks. Mr. Lowery stated since going direct to hire, they are getting more notice and have

to have massive interviews now. It does take a while for the backgrounds checks but we are starting to see the people coming in. If they don't get people in, they will have to start shuffling employees to other areas of the facility to that can't fail.

Councilor Sullivan asked if they felt people do not want to apply because of having to go through a temporary agency. Mr. Lowery stated a lot of time, temporary agencies don't offer benefits. With a permanent hire, they get full benefits. With the temp agency, Rubbermaid got the chance to see if the person really cared about their work. Now, they are seeing other distribution centers offer higher wages and not benefits because the employees are not full time. The direct hire has helped because people do want the benefits. This has also been caused by a change in the market but it is also because the unemployment in Winchester is so low.

Councilor Sullivan asked what the technical skills are that people are lacking. Mr. Lowery stated they have operator and distribution positions in the facility but also about 20% of the positions are higher wage earning jobs called technicians that maintain the equipment and the machine changeovers. Those are skilled positions that are people in trades like electricians and programmers.

Councilor Sullivan stated with those positions someone would have to have a certain amount of knowledge before they could start. Mr. Lowery stated if they have operators that have a mechanical aptitude, they pull them into a part-time technical role that gives them a certain number of hours at a higher wage while working underneath a technician. Councilor Sullivan stated it would seem that as one of the larger employers in the city, Rubbermaid could use people to apply with some technical knowledge, electrical or mechanical skills. Mr. Lowery agreed.

Councilor Clark stated he is excited to be in a partnership with Rubbermaid and that they decided to expand in Winchester but at the same time he is disappointed. Rubbermaid is not a new company. It is not the first time they have hired or trained an employee. The Commonwealth of Virginia and the City of Winchester stepped up to the plate but Rubbermaid did not uphold its part of the bargain and are now coming back asking for an extension. He asked how Rubbermaid was going to do their part to keep up their end of the deal without the call back. Mr. Lowery stated Rubbermaid pays a very good, competitive wage so he thinks there are more things going on in the macro-economic environment in this corridor that are driving a lot of the competition. Rubbermaid even offers bus services all the way from Romney to bring people into the factory to work. Rubbermaid has gotten creative in doing things but the market is very tight here in terms of labor.

Councilor Clark stated he has to justify spending tax payer money to help a for-profit corporation and when the company does not keep up their end of the deal, it is hard to go back to the constituents and say they just need more time.

Mr. Matschullat stated there are several areas of the agreement in which Rubbermaid has over achieved. They agreed to bring \$67 million in new capital into the city and they brought \$90 million and they will bring more as they go forward. This plant and product line is positioned for growth. He stated they were too optimistic about the employment growth with the restructuring of the corporation. They have changed the focus to make sure the plants in the United States are competitive and this plant will work. They should have moved to direct hire faster but they are there and are positioned for growth to achieve that now.

Councilor Hill asked what recruitment strategies is being used. Mr. Lowery stated they have brought in the different veteran agencies to draw veterans to work because of their very strong technical backgrounds.

Councilor Hill asked what other options have been used to go beyond this area. Mr. Lowery stated they have visited technical schools and high schools because their flexible schedules can accommodate students who might not continue to college or those currently in college.

Vice Mayor Veach asked of the 71 jobs, how many have been created so far. Mr. Lowery stated they currently have 793 permanent employees and the goal is 813. Vice Mayor Veach asked how far short did they fall from the original agreement. Mr. Malschullat stated they fell short by 20 positions.

Vice Mayor Veach asked how much of the investment has come to the city. Mr. Malschullat stated out of the \$90 million, \$67 million has already come into the city.

Vice Mayor Veach asked Ms. Murray if the extension is granted, when the City would pay the additional \$400,000. Ms. Murray stated the additional \$400,000 is tied to the capital investment portion of the agreement. If they reach the additional jobs, the City will pay out the total \$700,000 investment.

Vice Mayor Veach asked if there are any concerns about the company from the State or locally about the company's reporting. Ms. Murray stated not at the State level. She does have some correspondence in her office from the last few years that states they had trouble about meeting this target.

Vice Mayor Veach stated he is greatly concerned about investing additional money over a few more jobs. Mr. Malschullat stated the \$700,000 was to get more capital on the tax roll which has been achieved. Vice Mayor Veach stated the jobs were part of the agreement too though. Mr. Malschullat stated the jobs are and they intend to meet that as well. They are not asking for anything other than a little extra time.

Councilor Wiley asked if Rubbermaid could have met the employment threshold minimum if they had people in the area that had the technical education. Mr. Lowery stated they would have. Even finding people to meet the requirement

to read a ruler has been a big problem. The technical positions are the hardest to fill.

Councilor Wiley asked if there are future plans for capital expansions in the city. Mr. Lowery stated there are plans to keep investing in this plant. As the plant continues to grow there will be more supervisory roles that must be filled to maintain controls.

President Willingham thanked Rubbermaid for exceeding the capital investment and for the jobs that have been created. If his calculations are correct, they have exceeded their investment in machine and tool taxes and have added almost \$1 million to the tax role. The City is talking about giving them \$700,000 one time and they will spend \$1 million per year.

Ms. Freeman stated Rubbermaid has already received \$300,000 and the \$400,000 has already been allocated.

President Willingham stated Rubbermaid is asking for an extension to hire positions that they can't fill from the city's own labor supply. He is more concerned about how to continue working together to improve the workforce in the community so they can continue to make additional investments here. He would request as a part of the extension, Rubbermaid work together with the City in a collaborative effort with the high schools and the CTE program to actually help fill those jobs and to work with the workforce development for citizens who want to improve and make a better wage for their family.

Mr. Lowery stated he learns so much when meeting with the City staff on the grants and educational opportunities available and to partner with the local high school and to give people other options is tremendous.

Councilor Clark asked if Rubbermaid has a partnership with the Workforce Development program at Lord Fairfax Community College. Mr. Lowery stated they do.

Vice Mayor Veach moved to forward R-2015-29 to Council. *The motion was seconded by Councilor McKannan then unanimously approved by voice-vote.*

3.2 Discussion: Overview of the City of Winchester Seal

City Manager Eden Freeman stated at the July 14th Work Session, Council asked staff to present an overview and history of the City Seal and Flag. At that time, Council asked a discussion be brought back at a subsequent meeting and that is the intent this evening. Tim Youmans has worked on getting some additional information that was requested.

President Willingham stated obviously this is a very emotional issue for people who believe the Confederate Battle Flag represents our history and our heritage. He thinks they feel very strongly about that and made a lot of

excellent points. He also thinks the folks who feel the symbol is divisive and hurtful to some in the community also make good points. Some on Council asked to see some alternatives but, to him, those alternatives needed to be consistent. Personally, he likes the flag representation in the seal. It is historical and provides a lot of background of who we are but he also thinks it didn't represent all of us. It didn't have an American flag and it did have a symbol that potentially could make for divisiveness. He wasn't willing to give up the history or the past as a part of that so the request was made to substitute certain flags. He asked that the proposed seal be considered and discussed.

Planning Director Tim Youmans presented the proposed alternate seal showing the four flags of the governments the city has been subservient. When comparing it to the current seal, the Commonwealth of Virginia Flag has been shifted to the bottom right corner, a much more accurate representation of the American Flag has been placed in the top right corner and the Stars and Bars, one of the official flags of the Confederacy, has been placed in the bottom left corner in place of the Confederate Battle Flag.

President Willingham asked if the Stars and Bars Flag is the same flag flown at the Stonewall Jackson's Headquarters. Mr. Youmans stated that is correct. It was particularly chosen after an intentional review by the Winchester-Frederick County Historical Society. It was the official flag of the Confederacy during the time that aligns with Stonewall Jackson's life and it was placed at his office not a battlefield.

President Willingham asked if there was any other historical input from other sources that acknowledge this. Mr. Youmans stated there was another question raised as to who Council might go to consult with.

Ms. Freeman stated one of the other questions was to determine the appropriateness of this if the City is looking toward maintaining the same historic theme that was in place as stabled by the Seal and Flag Commission in 1936 which was that is represented the four flags of the governments to which the city had existed under. Tim was successful in talking to a historian who is well versed in that time period and very well versed in the history of the valley and Winchester in particular.

Mr. Youmans stated he spoke with Joseph Whiteburn, a name very familiar to those who study Civil War history and history in general. Mr. Whiteburn has his Doctorate from George Mason University and an honorary Doctorate from Shenandoah University. He is a Professor Emeritus at Lord Fairfax Community College teaching history particularly military history. He serves as a historical consultant to James Madison University. He is a founding member of the Shenandoah Valley Battlefield Foundation and was appointed by the Department of Interior to that. He is a retired Colonel from the United States Army and served as the Staff Historian to the United States. Mr. Youmans stated Mr. Whiteburn mentioned to him the distinction of the Battle Flag versus a flag of the Confederate government. The seal was to represent the

governments of which the town was subservient not recognizing any individuals or veterans.

President Willingham thanked staff for what they have done. He stated for him it is about trying to maintain the integrity of what was done in 1937 but be sensitive to elements that have been cooped but also preserve the historical accuracy.

Councilor Clark asked if the orientation of the flags is going in chronological order or how it was decided. Mr. Youmans stated while Winchester is subservient to the Commonwealth of Virginia, the City is also in the United States of America. There is overlay as they are not unique governments.

Councilor Clark suggested the Virginia and American flags be put on top and the Union Jack and Confederate Flags be put on the bottom as past governments. He stated this representation is more historically accurate than the current seal. It includes the American Flag with all 50 stars and stripes. It also has the Flag of the Confederacy and not the Flag of the Army of Northern Virginia or Confederate Battle Flag. He stated a lot of things really speak to him about this discussion. As a history teacher and a historian, he likes to look at source documents to get it right from the horse's mouth. He looked at William T. Thompson's comments, the man who designed the Confederate Battle Flag, and what he said about the flag he designed was "As a people, we are fighting to maintain the Heaven ordained supremacy of the white man over the inferior or colored race. A white flag would thus be emblazoned with our cause and upon a red field would stand our full Southern cross and would preserve the beautiful contrast of red and blue." He stated when people argue that this Confederate Battle Flag only represents honor, heritage and the people that fought in battle and they don't look at what the man who designed the flag said, it seems incredibly disingenuous. He is going to listen to the man who designed the flag and what his intentions were and he was clearly a white supremacist. The other thing that really abhors him when he has this discussion with people is how this flag and this seal impact the people who visit the city and live in the city. When he hears all of the stories of the pain and hateful interactions that have taken place, he can't support a representation which has been used, corrupted and abused. It causes so much hurt and pain just from the site of it. He thinks of any African-American motorist that gets pulled over by a police officer or any African-American that calls for assistance from the police and the first thing they see on the patch on their arm is the old Confederate Battle Flag. He asked how they are going to trust that person. How are they going to know it is not the good old' boy system? How are they going to know this isn't the same city where there was a campaign of massive resistance? He thinks it is too divisive of a symbol to be on the official seal and to be on the official paperwork that the City sends out when doing business.

Vice Mayor Veach asked how many national flags the Confederate States adopted over time. Mr. Youmans stated there were three major flags. The Stars and Bars was adopted until May 1, 1863, and is probably the most

accurate for Winchester at the time. Subsequent to that, there was the Stainless Banner which was a white flag with the Battle Flag in the top left corner. The Blood Stained Banner was only in effect for about a month at the end of the war and the only difference between it and the Stainless Banner is it has a red vertical stripe down the right hand side.

Vice Mayor Veach asked if the second one was adopted in May of 1863. Mr. Youmans stated it was adopted May 1, 1863, and of course, Stonewall Jackson died in May 10, 1863. He would not have been associated with that flag as far as the government. Vice Mayor Veach asked if there was a chance the Battle Flag flew over the city during a battle. Mr. Youmans stated it could have been during a battle.

Vice Mayor stated the First Battle of Winchester occurred in May of 1862 so it would have been under the first flag of the government. The Second Battle of Winchester was in June of 1863 so it would have been under the Stainless Banner. He asked if that was correct. Mr. Youmans stated he can't say if the Confederacy was so efficient to get all of the new flags out to everyone so quickly but it did take place after that adoption of the flag.

Vice Mayor Veach stated the Third Battle of Winchester was in September of 1864 so that was also under when the Stainless Banner was adopted. Two out of the three Battles of Winchester were under the second flag at the time of adoption. Whether they flew here or not, no one can say. Mr. Youmans stated that gets into a geographical question because the Town of Winchester was much smaller than it is today. It also depends on if Kernstown is included or not. In terms of locations and dates, he thinks that is correct.

Vice Mayor Veach asked if the lower right hand corner in the alternative seal is the official Flag of Virginia. Mr. Youmans stated it is a close representation but it is not entirely consistent with what is currently on the seal. The Commonwealth changed the flag in 1950. The current seal adopted in 1936 had the previous version on it but that was superseded by the current Virginia Flag. Vice Mayor Veach stated that is not the flag just a symbol of the flag. Mr. Youmans stated that it correct.

Vice Mayor Veach asked if the Battle Flag could have been a symbol off of the Confederacy's second or third flag. Mr. Youmans stated it could.

Vice Mayor Veach stated during the 72 times Winchester changes hands, 36 of those times were under one flag or the other. Mr. Youmans stated that is correct. Vice Mayor Veach asked in the reading on the adoption of the seal from 1936, did they say it was to illustrate history or to state a cause. Mr. Youmans stated very specifically the quote from C. Vernon Eddy was it was to represent the governments the old town was successively subservient.

Vice Mayor Veach asked City Attorney Anthony Williams if anything on the current seal is illegal or violates City Code. Mr. Williams stated it is not.

Vice Mayor Veach stated there have been many requests from citizens asking for a referendum where they could vote on this. He asked if the State allows for a possible referendum by local governments for such a purpose or is a charter change needed to do that. Mr. Williams stated there is a State Code provisions that indicates that unless authorized by a statute in State Code, localities cannot hold a referendum. However, localities can hold a referendum if there is a provision contained within their City Charter. Winchester's current charter does not contain that provision.

Vice Mayor Veach asked if the City has asked the State to change the charter before. Mr. Williams stated if the City wanted to hold a referendum to amend the City Seal, it would first need to obtain a charter amendment. The City has done several charter amendments since he has been here most of which involved the School Board. It would require adopting an ordinance requesting the General Assembly to approve it and then it would be sent to the General Assembly for approval. That would just give the ability to hold a referendum.

Vice Mayor Veach asked what the timing would be for that. Mr. Williams stated to get to the point of actually holding the referendum and amending the seal; it would be 1 to 1.5 years total.

Vice Mayor Veach asked if this issue can be specified to prevent every issue from going to referendum. Mr. Williams stated if Council only wanted a referendum to allow the citizens to choose what the seal should look like, it could be that narrow or it could be significantly broader. As an example, Virginia Beach has a provision in their charter that says they can have an advisory referendum for every ordinance they adopt.

Vice Mayor Veach stated Winchester has had this seal for almost 80 years. Associating the citizens of Winchester seal with the terrible slayings or any other brutal act is almost like a profiling injustice. Changing symbols unfortunately does not necessarily change the evil hearts. A Spanish philosopher is known for saying "those who do not remember the past are condemned to repeat it." He stated he does not wish to repeat it. This seal was and is representing what he feels is the history and nothing else. The Councilors in 1936 said that was the purpose and that is what it is now. He doesn't think the person who designed the flag had that intent for it but it was on the City Council who put it on the seal so he thinks it was for history. Martin Luther King, Jr. said "We are not makers of history; we are made of our history." He stated there are two segments here. One is happy with the seal as it is and one is not. If it is changed, there will be one happy segment and one that is not happy. Many people have come to City Council to voice their opinions, sent letters to the Editor and sent email to Council. Not all of those are citizens of Winchester who he represents. This is a strong emotional issue that clearly people want to be heard on. Even though it may take more time, he thinks it is better to get it right than to hurry through it. The city has had the seal for 80 years and can wait a bit longer to get it right. He thinks the right way

to allow the citizens' voices to count is exactly what the referendum process was designed for. Knowing the true intent is history; he supports no change to the seal unless Council does it the only fair and right way by asking the State for a charter change to allow the citizens the referendum to vote.

Councilor Wiley asked what the cost would be if the City were to change the seal. Ms. Freeman stated staff estimates that it would be approximately \$15,000 if it were to be removed from the police uniforms and fire uniforms. However, much of that cost is already budgeted because it would not be done until the City purchases new uniforms. The new uniforms would be phased in and the patch would be phased in at the same time. As far as the letterhead, it will be simply changing it on the electronic template used by staff. The City would have to order a new die that is used in the press to press the seals affixed to all bond documents, ordinances and things of that nature. The cost would not exceed \$15,000.

Councilor Hill stated he certainly appreciates everything that has been said by all of the citizens and understands the history and heritage with long standing family members in this community. But, he does not feel a part of it and he doesn't think most African-Americans feel a part of it because of the symbol that is used on the City Seal. It is unfortunate that this has come to this point in 2015. It is a constant reminder of a very negative part of history that many African-Americans have to relive over and over again. He thanked Tim and Eden for coming up with this new version. It is by all means not the best but in trying to understand heritage, history and family togetherness, it is something he could put behind him. When he looks at this Confederate Flag it doesn't hold the same meaning. It does not inspire him to go out and wave any flags but it also doesn't prevent him from going out and talk to people. He wants to continue to do that to serve this whole community the best he can because a decision must be made. When one talks about heritage and honor and family history, one should consider the whole community. African-Americans are not asking to change any statues, any streets, or destroy any gravesites. People can have their flags anywhere they want but they do ask that the flag is taken away from any public place where the African-Americans also contribute. To be honest, he doesn't know how people can live saying one thing when they exclude people. That is what this flag does. It really excludes a segment of this population. He thanked Vice Mayor Veatch for the questions about putting this matter almost in the hands of our citizens but he is concerned what that might end up looking like in a year or year and a half. He thinks Council, as the elected officials, needs to make that decision good or bad. He thinks he could live with the new representation of the seal and most African-Americans could too because it does remove that stain of the feeling that they are still there regardless of all of the changes that have happened in this country. He applauded President Willingham for bringing this forward because it really has brought to the forefront an opportunity for all to start talking. It is unfortunate that people did not take the opportunity to say when the flag was waving over the crosses and lynching or when African-Americans were forced off the sidewalk to say "hey, you can't use this flag that way." He thinks African-

Americans would have a totally different attitude than they do. Right now, it is very difficult for most African-Americans who live in the South. If Council does move this forward, he would certainly second the motion.

Mayor Minor stated she does respect what Councilor Hill said and how he feels and would like to share how she feels. She does feel the City Seal is an integral part of the City's history and heritage. She truly believes it is a time in history that all of us can learn from knowing that it was one of the worst of times in history. It is also a part of the history here that needs to be remembered, taught and understood. In doing so, history will never repeat itself. Her hope is everyone realizes that this is history, learn from the past and move forward. She does agree a referendum would be a fair way to go. She would not vote to remove the City Seal.

Vice President McInturff stated he understands where Councilor Hill is coming from and appreciates how he feels. He also has to strongly agree with Mayor Minor and agrees with Vice Mayor Veach to put it into a referendum. This is a great opportunity in the process to be able to put in a referendum. He is not sure if a referendum would be better because of two things. He is not sure if a referendum would get it right but it would let the people who elected Council to make the decision. He also wants to make sure this body makes the right decision and are not knee jerking based on what happened in South Carolina. He asked where these people were a year ago. He thinks this is more emotional based upon the tragedy that happened. He would support going through the process of having a referendum and let the citizens speak to what they would feel would represent them.

Councilor Sullivan stated the wrong approach to take is that Council is picking a winner. With that being said, whatever happens doesn't mean the other side has lost. This is not an envious position to be in. The goal is to do what is best for the city and sometimes that involves making some tough choices. This is one of them. His concern with a referendum is the issue will linger from now until the day of that election. It will be a dark cloud over the city until the election happens. One thing Council has on its side is he thinks it can find a compromise and this is a pretty good compromise. It is not perfect and it never will be. Not everybody likes it but not everybody hates it which means it is probably a pretty good idea. He thinks it does move the city forward. There is no way he could support changes to the seal that did not reflect Winchester's role in the Civil War. This maintains that. He did not want to get into the issue of discussing what is or is not offensive for various reasons. Case in point, if George Washington walked into this room right now and sat down, he would look up and see the British Flag staring back at him, would he be offended? He does not think that is the direction Council wants to go in terms of deciding what should be in the City Seal. He thinks Council should try to compromise. This does it for him and he will support a motion to go with this seal.

Councilor Clark stated he thinks it is important to get the symbols correct and if the designers of the seal put forth flags in the seal that were historically

accurate, the style of the American Flag is not even close. It is rotated 90 degrees and not all of the 50 stars or strips are even close to be represented. It is just not the United States Flag. If the City is trying to represent the governments that had power over the city, he thinks the official Flag of the Confederacy does that. The Battle Flag of the Confederacy is not the government of the Confederate States of America. He thinks this representation is historically more accurate and is one of the reasons he is going to support it. He moved to adopt this as the official City Seal of Winchester and change it from the existing City Seal which is inaccurate.

Mr. Williams stated the seal cannot be changed by a motion. It would require an ordinance change. The motion could be to direct the City Manager to bring back an ordinance to change the City Seal with the proposed seal.

Councilor Clark agreed to change his motion to direct the City Manager to bring back an ordinance to change the City Seal with the proposed seal. The motion was seconded by Councilor Hill and approved 6/3 with Mayor Minor, Vice President McInturff and Vice Mayor Veach voting in the negative.

4.0 Monthly Reports

4.1 Police Department

5.0 Adjournment

Councilor Wiley moved to adjourn the meeting at 9:21 p.m. *The motion was seconded by Councilor Sullivan then unanimously approved by voice-vote.*